

REMARKS

Claims 1-24 are pending in this application. Claim 11 is cancelled herein.

The Examiner has indicated that claims 8 and 9 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 8 and 9 are amended accordingly herein.

The Examiner has rejected claims 1-7 and 10-24 under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (USP 6,288,716, hereinafter Humpleman) in view of Roth (USP 6,266,060). The Applicants respectfully traverse this rejection.

Independent claim 1 is amended herein to specifically claim a wireless remote control device; independent claims 12 and 16 are amended herein to specifically claim a method and software for configuring a graphics user interface (GUI) of a wireless remote control device; and original claim 21 specifically claims a remote control device.

Both Humpleman and Roth address a graphic user interface for a conventional computer operating system, and Humpleman specifically distinguishes his invention from remote control devices that are conventionally used to control consumer electronic equipment.

Humpleman teaches a "BROWSER BASED COMMAND AND CONTROL HOME NETWORK" comprising a computer/display device that is networked to one or more other devices on a home-network. Via the home-network, the computer/display device obtains user interface data from each of the other devices on the network, and displays this information. When the user interacts with the computer/display device to control a device on the network, the commands are communicated via the network to the controlled device. Humpleman teaches that the computer/display device can be a digital television 102 that employs "browser technology to allow users to control and command the home devices over the home network 100", or, "a device such as a personal computer ("PC") is used to provide the human interface for a respective home network". (Humpleman column 6, lines 10-22.)

The Applicants acknowledge that Roth teaches a dynamic rearrangement of menu options, but respectfully maintain that a combination of Humpleman and Roth will result in a home network with dynamic menus, and will not lead to the Applicants' claimed invention.

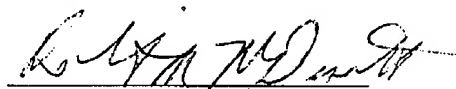
In the referenced Office action, addressing original claims 10, 11, and 21, which included the limitation of a remote control for user control of consumer electronic equipment (claim 10) and the limitation of a remote control device (claims 11 and 21), the Examiner notes that Humpleman addresses the control of home devices via a common remote control device, and cites Humpleman col. 1, lines 45-47.

The Applicants respectfully note that Humpleman presents the limitations of the conventional remote control unit as the basis for the need for a browser based command and control network. The cited lines 45-47 of Humpleman regarding a remote control unit form the introduction to Humpleman's next two paragraphs that specifically point out the drawbacks associated with using a remote control unit to control consumer electronic equipment (Humpleman's column 1, line 52 through column 2, line 14). In particular, Humpleman asserts that remote control units "will not be able to control and command the new home devices that require control and command logic that was not known at the time the remote unit was developed", and that remote control units can "only be used to command and control those home devices that are within the signal range of the remote control unit" (Humpleman, column 1, line 62 through column 2, line 4). Having identified these drawbacks of using current and future remote control units, Humpleman concludes that a home network is the appropriate solution/alternative to remote control units: "The present invention accordingly provides a method and system for implementing a home network for commanding and controlling home devices" (Humpleman's column 2, lines 14-45).

Because Humpleman expressly teaches away from the use of remote control units for controlling home devices, one of ordinary skill in the art would not be lead to the Applicants' claimed invention via a combination of Humpleman and Roth.

In view of the foregoing, the Applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Reg. No. 41,508

804-493-0707

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On 1 June 2003

By

